

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL WHITEHURST,  
Petitioner,

v.

JOHN DOE,  
Respondent.

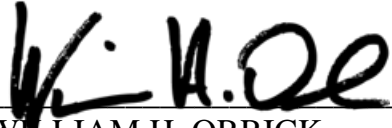
Case No. [14-cv-03145-WHO](#) (PR)

**ORDER OF DISMISSAL**

Petitioner Whitehurst has failed to comply with the Court's order to (1) file a petition; and (2) file a complete application to proceed *in forma pauperis* ("IFP"), or pay the full filing fee of \$5.00. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, petitioner may move to reopen the action. Any such motion **must** contain (1) a petition on the Court's form; **and** (2) a complete IFP application, or full payment for the filing fee of \$5.00. The Clerk shall enter judgment in favor of respondent, and close the file.

**IT IS SO ORDERED.**

**Dated:** August 26, 2014

  
WILLIAM H. ORRICK  
United States District Judge